UNITED NATIONS

CEDAW

Convention on the Elimination of all Forms of Discrimination Against Women

Distr.
GENERAL

CEDAW/C/SR.202
11 February 1992
ENGLISH
ORIGINAL: SPANISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eleventh session

SUMMARY RECORD OF THE 202nd MEETING

Held at Headquarters, New York,
on Wednesday, 29 January 1992, at 10 a.m.

Chairperson: Ms. TALLAWY

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Consideration of the report of Working Group II

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Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Second periodic report of Venezuela (CEDAW/C/13/Add.21)

1. At the invitation of the Chairperson, Ms. Garcís Prince (Venezuela) took a seat at the Committee table.

2. Ms. GARCIS PRINCE (Venezuela) said that as the second periodic report of Venezuela covered the period from 1985 to 1988, it did not reflect the significant developments that had occurred in the country's policies relating to women since the new Government had taken office in 1989.

Article 2

3. In 1991, a new labour law, the Labour Organization Act, which was extremely favourable to women, had entered into force in Venezuela. Provisions of the new law included: (a) equal working conditions and pay for men and women; (b) protection of pregnant women - such women were exempt from engaging in heavy or hazardous labour which might lead in some way to miscarriage; and (c) maternity leaves, i.e. a prenatal leave of 6 weeks and a postnatal leave of 12 weeks, which could be accumulated and supplemented by vacation days accrued during leave periods.

4. Some articles of the new labour law should also be noted. Article 384 stipulated that women could not be dismissed during pregnancy or during the year following childbirth. Companies employing more than 20 workers were required to operate a child-care facility where children could be left during the workday (article 391), or make use of an agency specializing in such activities (article 392). To facilitate the implementation of that provision, a special commission had been set up comprising, inter alia, the Minister of Labour, the Minister of Health and the Minister of State for the Advancement of Women. Under article 393, women were entitled to two half-hour breaks a day to nurse their children in the child-care centre where they were located. Lastly, article 394 of the new law stipulated that there could be no distinction between the salary paid to a pregnant woman and that paid to other women workers doing the same type of work.

5. The Government of Venezuela had set up an institution responsible for ensuring compliance with the new law. That institution, the Workers' Legal Assistance Office, had a group of lawyers whose function was to provide legal assistance to workers without financial resources. At the urging of the Minister of State for the Advancement of Women, half of the attorneys were involved solely in ensuring that working women enjoyed the rights guaranteed them under the new law.

(Ms. Garcís Prince, Venezuela)

6. Turning to the questions raised by the Committee concerning the Criminal Code, she said it was unfortunate that those provisions of the Code which entailed some form of discrimination against women had not yet been amended. The existing Criminal Code was held to be a highly complex instrument, which made its revision very difficult. Furthermore, many people considered it obsolete and maintained that it should be completely revised. It should also be noted that one of the most important elements of the State reform process under way in Venezuela was judicial reform; revision of the Criminal Code must be firmly inscribed within the broadest context of that reform.

7. As for the Committee's question regarding the support which the Government received from political parties, trade unions and the information media in adopting measures to protect women's interests, she noted that a women's commission had been in existence since 1989 which advised the President of the Republic and was composed of women from all political parties and non-governmental organizations. Recently, women from non-governmental and grass-roots organizations, who had held a relatively confrontational attitude vis-à-vis women in political parties, had grown closer to each other, thereby considerably strengthening the Venezuelan women's movement.

8. With regard to the Government's campaign against existing stereotypes of women, two studies had been made, one on stereotypes in school textbooks and another on stereotypes presented on television. It was to be hoped that soon - perhaps by 8 March, International Women's Day - it would be possible to launch a national programme to combat discrimination against women on the basis of four elements: the above-mentioned studies; a legal instrument to prevent the distribution of textbooks with discriminatory contents; training teachers so that they would not perpetuate discrimination on the job; and the production of printed and audio-visual materials to promote the concept of equal opportunity. The Ministry which she headed would try to get radio stations to offer free airtime for programmes on women, while the State television channel would devote one hour a week to a programme on that topic.

Articles 3 and 4

9. The substantive changes which had occurred over the years in the mechanism established by Venezuela in 1974 for the advancement of women were due to the fact that democracy was relatively new to the country: barely 34 years old. Yet, women had been active in establishing political parties since 1928. The situation between the sexes had improved more as a result of political pressure exerted by women themselves than by initiatives originating in society. For example, as early as 1947 women's exerting pressure had resulted in their obtaining the right to vote.

10. Since 1974, when a State body for women had been established, successive Governments had sought to create other new mechanisms for women; however, the current Government believed that such efforts must come to an end and a stable

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mechanism created. In 1991, a bill was tabled for the establishment of a National Women's Council as a high-level body reporting to the President of the Republic. There currently seemed to be a high degree of political agreement among all parties that the Council should be established in 1992.

11. Her own Ministry sought to create linkages with other ministries so that they might incorporate women's concerns in their structures. Progress had been made: her Ministry and the Women's Presidential Advisory Committee already had their own offices and their budgets had progressively increased.

12. For the past two years, efforts had been made to decentralize activities. Governors and mayors were freely elected, and coordination with those authorities had been initiated in an effort to move from the national to the regional level. The outcome had been positive: nine of the country's 21 governors and many of its 300 mayors had created bodies for the advancement of women.

13. It was anticipated that, with time, the Ministry of the Family and its Women's Office would disappear. The National Women's Council would replace them. However, during the past three years, when the Government had been compelled to carry out a stringent structural adjustment programme, the Ministry of the Family had played a very important role. The Government was gradually pursuing a sweeping social compensation policy involving, for example, direct transfers of goods and money to begin with, to be followed by income-generating programmes. The Ministry of the Family was actively involved in carrying out that social policy.

14. Among the most important programmes of the Ministry of the Family was the Expanded Maternal and Child Programme (PAMI) aimed at poor pregnant or nursing mothers and children under the age of six. That programme had been supplemented by an expanded health programme sponsored jointly with the Ministry of Health and Social Welfare to deal with sexually transmitted diseases and cervical and breast cancer. Thirdly, in the context of PAMI, the Ministry of the Family was also carrying out a community education programme involving women. Likewise, the Government was carrying out a programme associated with the credit fund for micro-enterprises, set up in 1983. Lastly, there was a day-care centre programme for children of working mothers in marginal communities; the programme, though over 15 years old, was currently well-supported.

15. In Venezuela, the Parliament was aware of the Government's plans for the advancement of women. A bicameral commission on women's rights, involving parliamentarians from all parties and political groups, analysed draft legislation in that sphere, and it was to be hoped that such legislation would soon be adopted without further delay.

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16. The programmes executed had been assessed with the cooperation of a number of offices and ministries of the executive branch. There was a procedure for the follow-up of decisions on social questions. Follow-up of high-level political matters was ensured by the Social Cabinet, a group of six ministers, including herself, which was responsible for establishing links to promote cooperation in policy implementation. Technical follow-up was provided by the National Planning and Coordination System and the Central Office of Statistics and Information, with the assistance of all government offices. In the past three years, two major multisectoral studies had been conducted. The first, conducted by the Women's Advisory Committee of the President of the Republic and the General Sectoral Directorate for the Promotion of Women, was contained in the annex to the report of Venezuela. The second, conducted by a non-governmental organization with international and State resources, had not yet been published.

17. Venezuela had many years of experience in leadership training, especially in the political parties. At the moment, however, the legitimacy of the parties was being questioned. Therefore, they did not view training programmes for women leaders as a priority. Her office, however, was training women for leadership positions, with the collaboration of the General Directorate for the Promotion of Women within the Ministry for the Family, in a programme aimed at encouraging parties to resume their leadership training activities.

Article 5

18. The report contained statistics on the remarkable academic achievements of Venezuelan women. There were currently more female than male university graduates. However, women's participation in the educational system was not equalled by their participation in the productive system, for most of them still held low-paying jobs and were at the bottom of the employment hierarchy. That was because women received preparations for functioning in a society that lived off its assets, not a competitive economy based on production and international competition. Thus, women did not have the independence to generate wealth. An educational system must be developed in which a university graduate could generate employment instead of seeking it. To that end, the Government was transforming the educational system, emphasizing technical education in particular, in an effort to bring down psychological and cultural barriers that had sustained hidden forms of discrimination against women, and promoting the entry of women into productive careers.

19. The Government was making efforts to give women greater responsibility in public administration. A surprising number of women occupied very high positions in Venezuelan public administration. There were currently five women ministers in the cabinet. Women represented 53 per cent of the legal advisers in the Venezuelan public administration, 17 per cent of the chief administrators in ministries, State enterprises and autonomous agencies and

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41 per cent of sectoral directors. Even the private sector could not boast of such figures. In Petróleos de Venezuela, the largest enterprise in the country, there was only one woman on the board of directors, and, of the five directors of Corporación de Guayana, the second largest enterprise, two were women.

20. Violence was one of her Government's most immediate concerns, as the Penal Code of Venezuela was backward in that respect. Although there was a programme on ill-treatment in the Ministry for the Family, the issue of violence had been reopened only a few months earlier: at the legal level, a law against violence in the home was being drafted and, at the administrative level, an agreement had been signed with a very experienced national non-governmental organization. In addition, a training programme was being offered to officials who dealt with victims of violence.

Article 6

21. There were no reliable statistics on prostitution. A national survey on violence in the family and prostitution would be conducted for the first time. It seemed that immigration from nearby countries had aggravated the problem of prostitution.

Article 7

22. Referring to the table on female participation in elections, she said that in the case of municipal councils the decrease in female participation was attributable to the shift from an electoral system of closed lists to a single-candidacy system, which had not encouraged party support. Apart from that, few women had dared to come forward as candidates for a seat on the councils. Two of the three political parties currently had quotas: the Democratic Action Party had a quota of 20 per cent and the Movement towards Socialism Party had a quota of 25 per cent. There had, however, been pressure to establish a quota in the new Law on Political Parties and round tables had been held, but no consensus had been reached. A request to modify the draft law had then been introduced in the Congress, so that it would be clear that parties were to guarantee equal opportunities in the processes of nomination and election to posts within party structures and in the popular election process.

23. Lastly, her office had prepared an addendum to the initial report, which described achievements realized between 1989 and 1991, the projects of her office, programmes under which activities were being carried out, and future objectives.

24. Ms. CORTI expressed appreciation for the details the Minister had furnished orally. She had not found the initial report to be satisfactory, as, in her opinion, it did not give a realistic picture. Venezuelan women, who should be looked on as role models by Europeans, were to be commended for

(Ms. Corti)

their efforts. With the necessary political will on the part of the Government, women themselves and women's organizations, it would not be long before remaining obstacles could be removed. Day nurseries were a great triumph and she also welcomed the achievements realized with respect to the Penal Code, particularly the emphasis on decentralization. One example of something that her country had not achieved was the financing of women's associations, which played a crucial role in Venezuela. The proposal of a law on quotas was absolutely necessary and would be a positive step.

25. Ms. NIKOLAEVA said that the initial report had left her with a somewhat negative impression, which had changed after she had heard the oral presentation by the Venezuelan Minister. She was convinced that the Government would overcome the obstacles it currently faced in implementing the Convention. Some programmes were difficult to carry out owing to a lack of means, funds or human resources, but there was a strong will and, she therefore hoped that the Government would do its utmost and would be responsive to the patriotism shown by Venezuelan women who hoped to build a just and democratic society.

26. Ms. BUSTELO GARCIA del REAL said that the information provided by the Minister had highlighted the extent to which Venezuelan women had managed to integrate policies on women into general policies, a prerequisite for further progress. She trusted that the third periodic report would reflect more positive developments with regard to the violence issue, for Venezuela was sufficiently advanced to be able to offer women better protection against violence. She welcomed efforts to make greater use of the mass media, the most effective means of reaching the entire population in order to change attitudes and conduct. Efforts must be coordinated in order to promote the production of television films and other programmes that would contribute to eliminating stereotypes.

27. Ms. EVATT said that she could not but appreciate the progress achieved in the status of women when she compared Venezuela's previous reports with the detailed, enthusiastic oral presentation given by the representative of Venezuela. Attitudes, values and beliefs that obstructed changes in women's status, and that affected many of the States from which Committee members came, could be discerned. It was reassuring to note the positive steps that had been taken, particularly in the mass media and by other means, in order to bring about a change in attitudes. The enthusiasm and energy of women's organizations and women in Venezuela were commendable. However, mechanisms for assessing programmes were necessary in order to determine which had been successful and which less successful.

28. Ms. BRAVO NUÑEZ DE RAMSEY said that, in Ecuador, too, an enthusiastic struggle was being waged to attain equality for women. Ecuadorian women had the same aspirations as Venezuelan women, as a proper legal framework was essential to attaining full equality. In that connection, she noted the efforts also being made by Ecuadorian women to reform the Penal Code.

29. Ms. ILIC said that the 44 questions that had been put to the representative of Venezuela demonstrated the Committee's interest in learning about spheres that had not been covered at all and in clarifying certain aspects of the report. The oral report presented by Ms. Garcís Prince was more complete than the previous reports submitted by Venezuela. She wished to know whether there was a possibility for States to supplement, withdraw or replace reports they had been invited to submit.

30. Ms. AOUIJ commended the active participation of the representative of Venezuela. The necessary political will existed in Venezuela, since far-reaching legislative reforms had been carried out in both the social and the labour fields and currently reforms were being made in the Penal Code. She commended the efforts of Venezuelan women to secure progress in matters of concern to women, without regard for differences arising from membership of different political parties. She noted with satisfaction that although it was being said that activism and feminism were in decline, that was not the case in Venezuela.

31. Ms. GONZALEZ MARTINEZ expressed appreciation for the broad and detailed information that had been provided on the programmes that were being carried out in Venezuela. Like Ms. Evatt and Ms. Ilic, she had been present at the meeting at which the first report had been submitted, and the information in it was incomplete and less substantive than the information just received in the oral statement. In that respect, it was regrettable that the statement could not be reproduced in extenso so that it could be consulted by those concerned, since the Committee meetings were covered only by summary records. She asked the representative of Venezuela whether it would be possible, on the basis of the sound recordings of the meeting, to reproduce her oral statement in full so that all the information provided at the current meeting would be available in the records. It was to be hoped that the third report would show the results of the progress already made and of further progress in implementation of programmes that were of such importance and concern to Venezuelan women.

32. Ms. FORDE commended the enthusiastic and eloquent presentation by the representative of Venezuela, that was typical for the Latin American and Caribbean region, and said that in the English-speaking countries of the Caribbean region there were similar problems and equal optimism. Women were playing a vital role in the development of the region. She hoped that all relevant and up-to-date information would be included in the next report.

33. Ms. LIN Shangzhen asked how the system of values, beliefs and models found expression in society, and what measures had been envisaged to overcome those problems which, along with economic factors, were the main obstacles to the achievement of equality of the sexes in Venezuela. Venezuela was one of the few countries that had a significant government mechanism concerned with the advancement of women and, as could be seen from the report, great efforts had been made at sectoral and general levels to support the interests of women with the help of volunteers and in coordination with government departments. Venezuela's experience would be interesting for other countries too.

34. Ms. ALFONSIN DE FASAN said that, with regard to the system of quotas, in Argentina a woman senator from an opposition party had submitted a bill on quotas that had been approved, as a result of which 30 per cent of electoral seats would be earmarked for women of all political parties. Like Ms. Bustelo García del Real, she felt that television programmes had an enormous influence in the dissemination of messages regarding women.

35. Ms. SCHOPP-SCHILLING said that she supported the suggestion by Ms. Gonzalez Martinez that the oral statement by the representative of Venezuela should be reproduced in full as an addendum to the report. It was also significant that a powerful national mechanism existed in Venezuela which, combined with regional approaches, allowed not only the dissemination of programmes throughout the country but also diversification in each region. Like Ms. Ilic, she expressed the hope that the next periodic report would provide more detailed figures with regard to programmes and an evaluation; the Committee would only then be able to appreciate the actual results of the programmes.

36. The CHAIRPERSON, speaking on behalf of the members of the Committee, commended the representative of Venezuela for her clear and precise report on the situation in her country. All those present had undoubtedly been favourably impressed by the way in which she had described the situation and, above all, by her extensive knowledge of matters of concern to women. It was to be hoped that she would try to solve the problem which had arisen twice in the submission of reports of Venezuela, namely, that the information provided was not complete, unlike the oral statement she had made.

37. It should be noted that the Government of Venezuela had five women in ministerial posts compared to a total of 12 or 13 men, a percentage that was fairly high for a developing country. She also noted the intensive use of the media and education in programmes designed to change Venezuelan social customs and stereotypes regarding women. The Committee hoped that programme implementation would be closely monitored and evaluations would be made so that information on the results of the evaluations could be included in the next report submitted by Venezuela.

38. The participation of women in political life was also significant, despite the crises that the political parties were undergoing; Venezuela had thus gained experience which was lacking in many other developing countries. It would be interesting if the representative of Venezuela evaluated that experience and the incentives created so that those measures could be imitated in other countries.

39. Another significant aspect of the report was the role played by non-governmental organizations, which cooperated with one another in a great spirit of solidarity with regard to measures for the advancement of women.

40. Lastly, she commended the labour legislation of Venezuela which provided for all types of privileges and rights for women, and also the measures designed to combat and put an end to violence and to reform the Penal Code.

41. Ms. GARCIS PRINCE (Venezuela) expressed appreciation for the support of Ms. Corti and Ms. Nikolaeva. She informed Ms. Bustelo García del Real that she had used Spain's plan for women, which Ms. Bustelo García del Real had designed, as a model in drawing up proposals for Venezuelan women. As to Ms. Evatt's remarks on the need to establish specific mechanisms in Venezuela to evaluate progress achieved by women so that that progress could be described in reports submitted to the Committee, she said that such mechanisms existed in her country and, although the initial report was incomplete, the replies sent recently to the Committee included all the information that had been provided at the current meeting.

42. With regard to the remarks made by Ms. Bravo Nuñez de Ramsey, she said that the possibility of establishing a constitutional safeguards commission on the Penal Code in Venezuela would be studied. In response to points raised by Ms. Ilic, she said that the 44 questions asked by the Committee had been very well received by her delegation and had in no way been regarded as criticism. She did not know whether it was possible to withdraw a report already submitted in order to submit another, more complete, report; she would consult members of her delegation in that respect. As to the comments made by Ms. Aouij, she said that the latter had fully understood the solidarity among Venezuelan women, which transcended political differences.

43. In response to the points raised by Ms. González Martínez, she said that everything that she had said at the current meeting was to be found in the replies that had been submitted in writing to the Committee. Probably, in the near future, the relevant document would be circulated to members of the Committee. However, if the Committee felt that some of her comments were not included in the document, she would be prepared to submit an addendum.

44. She assured Ms. Forde that in the next periodic report, everything possible would be done to meet her wishes. With regard to Ms. Lin Shangzhen's question as to whether the prevailing values were an obstacle to the advancement of women in Venezuela, she said that Venezuelan women were trying to influence the family, the mass media and the educational system to change those values.

45. She reminded Ms. Alfonsín de Fasán that she had taken part in the struggle to promote women's interests in Argentina, and she considered that the victory achieved by women in that country was also her own victory. The comments made by Ms. Schopp-Schilling would be taken into account in the next report. There was too long a gap between the date for submission of reports and the date of their consideration. In the case of Venezuela, three years had elapsed, during which time the situation of women in that country had changed completely.

46. Finally, in her capacity as a representative of the Venezuelan Government, she encouraged United Nations bodies to provide financial and technical assistance to Venezuela to help it improve its policy coordination and, in that regard, asked the Committee to request the Secretary-General to

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establish a mechanism for dialogue among United Nations bodies. It was also important for the Committee to assess the form in which United Nations bodies had contributed to the implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

CONSIDERATION OF THE REPORT OF WORKING GROUP II (CEDAW/C/WG.II/1992/WP.12)

47. Ms. EVATT introduced the report and summarized its main ideas.

48. The CHAIRPERSON suggested that the Committee should consider the report paragraph by paragraph.

49. There was no objection to paragraphs 1 to 5 of the report.

50. Ms. CORTI said that the way in which paragraph 6 was worded might make it difficult for the Committee to adopt the report. Since there had been no consensus, she suggested that the paragraph should be deleted.

51. The CHAIRPERSON recalled that, during the discussion in Working Group II, it had been pointed out that paragraph 6 was balanced, since it mentioned the three topics that had been considered at the Expert Group Meeting on Violence against Women, namely, the strengthening of existing procedures for communications, the appointment of a special thematic rapporteur, and a United Nations declaration on violence against women.

52. Ms. GONZALEZ MARTINEZ said that the last sentence of paragraph 6 gave the impression that the Committee was proposing the adoption of a United Nations declaration on violence against women while in fact that declaration was mentioned in the report of the Expert Group. That sentence should be amended to reflect more accurately the discussion that had taken place.

53. Ms. CORTI proposed that, in the fourth line of the French text of paragraph 6, the semicolon should be replaced by a colon.

54. The CHAIRPERSON said that the reason for the problem was that paragraph 6, which was part of the Committee's observations on the report of the Expert Group, was separated from paragraph 5. Perhaps it could be considered as the rest of paragraph 5. In addition, she proposed that the words "some members of Working Group II" should be replaced by "the Committee".

55. Ms. OESER said that the Committee had before it the report of Working Group II and were considering the views expressed by that Group. That was the position of the Group, or at least of some of its members, and the Committee as a whole was taking note of it. If there was any disagreement on what Working Group II had done, it should be mentioned in a special paragraph in the Committee's report, but not in the report of Working Group II.

56. The CHAIRPERSON said that the purpose of working groups was to assist the plenary session; once the working group submitted its report, the plenary session had to adopt it, accept it or amend it, and the views expressed in the report would become the views of the Committee as a whole. That was th procedure that was followed in all United Nations bodies; the purpose of a working group was to help the plenary session reach a decision.

57. Ms. EVATT agreed with the Chairperson that the report of the Working Group could be amended. She proposed that paragraph 6 should be deleted and that the words "some members of Working Group II" should be replaced by "the Committee".

58. Ms. NIKOLAEVA proposed that the words "some members of Working Group II" should be replaced by "some members of the Committee". Since the declaration on violence against women had been proposed by the Expert Group, perhaps the Committee could say: "The proposal of the Expert Group on the preparation of a United Nations declaration on violence against women was discussed but did not receive the Committee's support".

59. Ms. LIN Shangzhen proposed that the text should either be left as it was or that the Committee should accept Ms. Nikolaeva's proposal that the words "some members of Working Group II" should be replaced by "some members of the Committee".

60. Ms. CORTI proposed that the amendment made by Ms. Evatt should be adopted.

61. Ms. LIN Shangzhen proposed that, in the first line of paragraph 6, the words "Working Group II" should be replaced by "Committee" or "Group" since, if the other amendment was adopted, the first sentence of paragraph 6 would read: "The suggestion concerning the strengthening of the existing procedures for communications in the Commission on the Status of Women was welcomed". In her opinion, that implied that there was a consensus.

62. Ms. NIKOLAEVA supported the proposal made by Ms. Lin Shangzhen. It was not necessary to spend too much time on the procedures of the Commission, since the Commission was an independent body and, as such, adopted its own procedures.

63. The CHAIRPERSON recalled that the Expert Group that had met at Vienna had requested the Committee to express its views on the report of Working Group II and that, consequently, the Committee was obliged to express its opinion on the advisability of adopting a new instrument or optional protocol. She also recalled that the Commission already had a mechanism on communications, which had been strengthened in the past two or three years, and there was therefore no real need for an optional protocol on communications.

64. Ms. EVATT said that it seemed to her that a consensus had already been reached on the issue of communications but, if that was not the case, she proposed that paragraph 6 should be reworded to read:

> "The suggestion concerning the strengthening of existing procedures for communication in the Commission on the Status of Women was welcomed by some members."

65. The CHAIRPERSON said that Ms. Evatt's proposal seemed appropriate since it would enable members of the Committee who considered the need for an optional protocol to continue to discuss that issue. The Committee would continue its consideration of paragraph 6 at its next meeting, which would be held at 3 p.m.

The meeting rose at 1 p.m.

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Convention on the Elimination of all Forms of Discrimination Against Women

Distr.
GENERAL

CEDAW/C/SR.203
3 February 1992

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eleventh session

SUMMARY RECORD OF THE 203rd MEETING

Held at Headquarters, New York,
on Wednesday, 29 January 1992, at 3 p.m.

Chairperson: Ms. TALLAWY

CONTENTS

Organization of work (continued)

This record is subject to correction.

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The meeting was called to order at 3.25 p.m.

ORGANIZATION OF WORK (continued)

Draft report of Working Group II (continued) (CEDAW/C/WG.II/1992/WP.12)

Paragraph 6

1. Ms. OESER, supported by Ms. EVATT, said that she agreed with the proposal before the Committee to retain only the first sentence of paragraph 6.

2. Ms. NIKOLAEVA said that she did not agree with the proposed deletion of the second and third sentences of paragraph 6, given the importance of reflecting the Committee's position on the question of violence against women.

3. Ms. EVATT said that since no consensus had emerged concerning the retention of the second and third sentences of paragraph 6, they should be deleted.

4. Ms. NIKOLAEVA said that, in that case, she withdrew her objection.

5. The CHAIRPERSON proposed that paragraph 6 should be amended by deleting the second and third sentences.

6. Paragraph 6, as amended, was adopted.

Paragraph 7

7. Paragraph 7 was adopted.

Paragraph 8

8. The CHAIRPERSON invited members, in preparation for the Committee's twelfth session, to assume responsibility for preparing draft general comments on the various articles of the Convention, explaining the rights protected thereunder.

9. Ms. AOUIJ undertook to prepare draft general comments on article 6, in consultation with Ms. Bustelo Garcia del Real and Ms. QUINTOS-DELES undertook to prepare comments on article 16, in consultation with Ms. Alfonsin de Fasán.

10. Ms. ABAKA and Ms. WALLA-TCHANGAI undertook to prepare draft general comments on article 12.

11. Ms. FORDE agreed to prepare draft general comments on article 15.

12. Ms. UKEJE undertook to prepare draft comments on articles 4 and 9, in consultation with Ms. Schöpp-Schilling and Ms. Aouij respectively.

13. Ms. BERNARD said that she would prepare draft comments on articles 15 and 16, in consultation with Ms. Forde.

14. Ms. NIKOLAEVA asked whether it was intended to discuss the draft general comments on each article at the twelfth session. If so, the exercise would take up the whole session. It would be better to concentrate on a few articles only.

15. The CHAIRPERSON said that it was important for the Committee to catch up on the work of preparing general comments and observations on the rights set forth in each article of the Convention, a task which had already been undertaken by other human rights bodies in respect of the relevant conventions. The aim was to assist States parties and thereby improve the reporting system, as well as to provide more information to Governments and other interested parties. It would, of course, not be practicable to take up all the draft comments at a single session, but the very fact of preparing the draft comments would be of value.

16. Ms. NIKOLAEVA and Ms. LAIOU-ANTONIOU undertook to prepare draft comments on articles 11 and 15 respectively.

17. Ms. OESER undertook to prepare draft comments on articles 4 and 11 at a later stage.

18. Ms. ILIC said that it was not necessary at the current session for the Committee to assign every article to specific members; some articles could be dealt with at subsequent sessions.

19. Ms. UKEJE and Ms. BERNARD agreed to prepare comments on article 2.

20. The CHAIRPERSON said that paragraph 8 would be revised to reflect the commitments assumed by members in terms of preparing draft general comments on the various articles of the Convention.

21. Paragraph 8, as orally revised, was adopted.

Paragraphs 9 and 10

22. Paragraphs 9 and 10 were adopted.

Annex I

Paragraph 1

23. Paragraph 1 was adopted.

Paragraph 2

24. Ms. EVATT said that there was no need to reproduce in paragraph 2 the text of Recommendation 12 adopted at the eighth session. It would suffice simply to make reference to that recommendation.

25. The CHAIRPERSON said that the paragraph would be revised to refer to the recommendation without reproducing its text.

26. Paragraph 2, as orally revised, was adopted.

Paragraphs 3 to 5

27. Paragraphs 3 to 5 were adopted.

Paragraphs 6 to 8

28. Ms. LAIOU-ANTONIOU asked whether the expression "mental violence" in paragraph 8 included psychological violence. If not, she thought that the word "psychological" should be added.

29. The CHAIRPERSON said that the issue had been discussed in the Working Group, which had decided that the expression included both mental and psychological violence.

30. Paragraphs 6, 7 and 8 were adopted.

Paragraph 9

31. Ms. ABAKA said that violence against women was an ongoing, serious problem of which the international community was increasingly aware, and one that included psychological and mental violence. Ghana, in its periodic reports, had described women's crushing workload in both urban and traditional environments, and such a workload was common in many other countries. The Committee should recognize the grave economic hardships faced by women in developing countries as a form of violence caused by poverty, debt and deprivation.

32. Ms. UKEJE welcomed Ms. Abaka's comments but thought that the reference to economic hardship should be added as a separate paragraph so as to stand out from the rest of the text.

33. Ms. LAIOU-ANTONIOU also welcomed Ms. Abaka's statement, but pointed out that the paragraph dealt with gender-based violence, whereas poverty, debt and deprivation also affected men. Her point was well taken, but should perhaps be developed in a more appropriate place.

34. Ms. WALLA-TCHANGAI agreed with Ms. Laiou-Antoniou but said that where a woman's excessive workload was caused by her partner's abdication of his responsibilities, that could be considered gender-based discrimination and psychological violence.

35. After a brief discussion, during which the CHAIRPERSON, Ms. CORTI and Ms. WALLA-TCHANGAI supported Ms. LAIOU-ANTONIOU's comments, the CHAIRPERSON asked for and obtained Ms. Abaka's consent for her comments to be reserved for a more appropriate section of the Committee's report.

36. Paragraph 9 was adopted.

Paragraphs 10 to 18

37. Paragraphs 10 to 18 were adopted.

Paragraphs 19 to 22

38. Ms. BUSTELO GARCIA del REAL suggested that the formulation of the second sentence of paragraph 19 was not strong enough. Instead of saying that prostitution and trafficking in women were "often associated with" violence against women, the paragraph should read that they were "very often accompanied by" such violence.

39. Ms. EVATT suggested that the second sentence of paragraph 19 was not even necessary.

40. The CHAIRPERSON proposed that the Committee should provisionally adopt the wording suggested by Ms. Bustelo Garcia del Real.

41. Ms. LAIOU-ANTONIOU said that an increase in prostitution and trafficking in women was seen not only in conditions of poverty and unemployment but also in time of war. She therefore proposed that the word "war" should be added in the first line of paragraph 20 before the words "Poverty and unemployment".

42. After a brief discussion of the acceptability of Ms. Laiou-Antoniou's proposal, Ms. SCHOPP-SCHILLING instead proposed a new paragraph 22 expressing the point that war and the occupation of territories could also lead to an increase in prostitution and trafficking in women. That paragraph would follow paragraph 21. Since the two situations evoked were quite different, separate paragraphs were needed.

43. Ms. EVATT and Ms. CORTI supported Ms. Schöpp-Schilling's suggestion. After some discussion, the new paragraph proposed by Ms. Schöpp-Schilling was revised to read: "War, armed conflict and occupation of territories increase prostitution, trafficking and sexual assault on women. Specific measures are required to address these cases."

44. Ms. CORTI said that the phrase in paragraph 20 "These practices are incompatible with the equal enjoyment of rights" was wide of the mark. It should be replaced by some formulation such as "These practices are incompatible with respect for human rights and the dignity of persons".

45. The CHAIRPERSON acknowledged the importance of the proposed amendment, but thought that the concept of incompatibility with the equal enjoyment of rights should not be eliminated. Rather, the notion of incompatibility with respect for human rights and human dignity should be added.

46. After a brief discussion in which the CHAIRPERSON, Ms. BERNARD and Ms. CORTI took part, the CHAIRPERSON noted that the Committee accepted the idea of adding to the sentence in question a phrase to the effect that such practices were also incompatible with respect for human rights and the dignity of persons. The precise wording would be established by the Secretariat.

47. Ms. BRAVO NUÑEZ DE RAMSEY referred to the term "unlawful status" in paragraph 21 and noted that prostitution was not illegal in all countries. The final sentence of the paragraph should indicate that, even beyond equal protection, prostitutes needed special protection against rape and other forms of violence.

48. The CHAIRPERSON said that, if she understood correctly, Ms. Bravo Nuñez de Ramsey was suggesting that the words "equal protection" should be replaced by "special protection".

49. Ms. EVATT noted that, in many countries, prostitutes did not even enjoy equal protection, as rape of a prostitute was classified as a less serious offence carrying a lesser penalty. It was therefore important to retain the reference to equal protection and, if necessary, add a reference to special protective measures.

50. Ms. AOUIJ said that "equal protection of laws" was sufficient. A special law would only marginalize prostitutes further.

51. The CHAIRPERSON said that "equal protection of laws" was clear. The addition of "special measures" would be out of context in a sentence that discussed laws.

52. Ms. BRAVO NUÑEZ DE RAMSEY said that, in fact, the sentence referred not to laws but rather to the idea of protection. As a vulnerable sector of the population, prostitutes required special protection.

53. Ms. EVATT pointed out that paragraph 22 actually spelled out protective measures. Perhaps a brief reference to protective measures other than legal measures could be incorporated in paragraph 21.

54. Ms. LAIOU-ANTONIOU questioned the wisdom of adding language on special protective measures for prostitutes without mentioning other vulnerable groups. It would be better to leave the paragraph as it was.

55. Ms. CORTI added that many of the concerns being expressed were already addressed under II. "Measures necessary to overcome violence" at the end of the document.

56. The CHAIRPERSON said that she took it that paragraph 21 would not be changed.

57. It was so decided.

58. Paragraphs 19 to 22, as orally revised, were adopted.

Paragraphs 23 to 25

59. Ms. NIKOLAEVA asked why the meaning of "sexual harassment" had to be spelled out in paragraph 24 when it was already discussed elsewhere. Perhaps paragraph 24 could be deleted and paragraphs 23 and 25 could be combined into a single paragraph.

60. Ms. SCHOPP-SCHILLING disagreed. It was important to include a definition of sexual harassment as most Member States did not fully understand the concept.

61. Ms. EVATT added that the definition of sexual harassment had been drafted with the assistance of the International Labour Organisation (ILO). That was a good reason to retain it.

62. The CHAIRPERSON said that the questions had been discussed at length in Working Group II. In the end, a detailed definition had been included in order to avoid requests for the drafting of a separate convention on violence against women.

63. Ms. LAIOU-ANTONIOU agreed that the definition should be retained in view of the ILO input and the fact that it brought up the relatively new issue of health problems resulting from sexual harassment.

64. Paragraphs 23 to 25 were adopted.

Paragraphs 26 to 29

65. Ms. UKEJE asked why the words "and lives" in paragraph 26 were in parentheses, since violence did put womens' lives at risk.

66. Ms. EVATT said that the parentheses might have been added for emphasis but that, in any case, they should be deleted.

67. Paragraphs 26 to 29, as orally revised, were adopted.

Paragraphs 30 and 31

68. Paragraphs 30 and 31 were adopted.

Paragraphs 32 and 33

69. Ms. UKEJE suggested that "mental violence" should be added to the forms of violence enumerated in the second sentence of paragraph 32.

70. Ms. WALLA-TCHANGAI said that the sentence should also mention abdication by the father of his family responsibilities in difficult economic situations. The father's abdication of his responsibilities was the kind of psychological violence to which Ms. Abaka had referred earlier.

71. Ms. EVATT said that she would be pleased to add a sentence to that effect.

72. Ms. CHAFIKA MESLEM (Representative of the Secretary-General) referred to the enumeration of measures to overcome family violence in paragraph 32 of the English version and paragraph 33 of the French. In the second measure relating to legislation to remove the defence of honour, the words "of a spouse" should be replaced by "of a female member of the family". That formulation would encompass the spouse, a daughter, a mother or a female relative.

73. It was so decided.

Measures necessary to overcome violence

74. Paragraphs 32 and 33, as orally revised, were adopted.

75. Section II on measures necessary to overcome violence was adopted.

Annex II

76. Annex II, containing the decision of the Committee on reservations to the Convention and its General Recommendation concerning reservations, was adopted.

77. The CHAIRPERSON thanked the members of Working Group II and Ms. Evatt, who had served as Coordinator, for producing a set of recommendations on violence that would set a precedent for the Committee's future work. She also wished to thank Ms. Oeser for her research on past recommendations and international law in drafting annex II.

78. Ms. EVATT thanked members of Working Group II and expressed appreciation for the valuable assistance provided by the International League for Human Rights.

The meeting rose at 5.40 p.m.

UNITED NATIONS

CEDAW

Convention on the Elimination of all Forms of Discrimination Against Women

Distr.
GENERAL

CEDAW/C/SR.204
3 February 1992

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eleventh session

SUMMARY RECORD OF THE 204th MEETING

Held at Headquarters, New York,
on Wednesday, 29 January 1992, at 6.30 p.m.

Chairperson: Ms. TALLAWY

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Adoption of the report of the Committee (continued)

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Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 6.40 p.m.

ADOPTION OF THE REPORT OF THE COMMITTEE (continued)

Report of Working Group I (continued) (CEDAW/C/WG.I/1992/WP.3)

1. The CHAIRPERSON said that, since the Committee had decided to redraft the recommendations concerning the World Conference on Human Rights set out in the report of Working Group I (section 4), Ms. Bernard had prepared the following text:

"The members of the Committee on the Elimination of Discrimination against Women suggest that the Secretary-General of the United Nations take steps to initiate the translation of the Manual on human rights reporting prepared by the United Nations Institute for Training and Research and the Centre for Human Rights into all official United Nations languages as soon as possible, and distribute it to all States parties to the Convention on the Elimination of All Forms of Discrimination against Women.

The Committee requests that, as part of the preparation for the World Conference on Human Rights, the Secretary-General prepare a study of the work of the Committee to date. Such a study should include an examination of individual articles of the Convention as well as the Committee's general recommendations and examine ways and means of improving the work of the Committee.

The Committee requests that the Secretary-General ensure that, as far as possible, any background documentation prepared by the Secretariat in connection with the Conference includes an analysis of the implications of women's human rights on the issues addressed in the documentation.

The members of the Committee on the Elimination of Discrimination against Women request that the question of the enjoyment of human rights and fundamental freedoms by women be fully reflected in the agenda of the Conference, and, in particular, that the agenda include one or more of the following items:

(a) The close relationship between the rights guaranteed by the Convention on the Elimination of All Forms of Discrimination against Women and the rights protected by the Universal Declaration of Human Rights and other international instruments. Such a theme would emphasize that women's equality is a significant human rights issue;

(b) The manner in which all forms of violence against women infringe international human rights norms and impair women's full enjoyment of human rights and fundamental freedoms, e.g.:

(The Chairperson)

(i) The right to life;

(ii) The right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment;

(iii) The right to liberty and security of person;

(iv) The right to equality in the family;

(v) The right to health;

(vi) The right to just and favourable conditions of employment."

2. A paragraph along the lines of the existing subparagraph suggesting the preparation of a publication on the Convention and the Committee's work comparable with the Human Rights Fact Sheets of the Centre for Human Rights could also be included.

3. Ms. GONZALEZ MARTINEZ said that the reference in the third paragraph to "any background documentation" was too broad and might not be properly interpreted. It would be better to refer to General Assembly resolution 46/116.

4. Ms. BERNARD suggested that the relevant paragraph should read:

"The Committee requests that the Secretary-General ensure that, as far as possible, documentation prepared for the World Conference on Human Rights according to General Assembly resolution 46/116, paragraph 4 (V) (a) includes a gender perspective."

5. Ms. EVATT said that the fourth paragraph should refer to the "equal" enjoyment of human rights in line with the wording of the Convention.

6. Ms. GONZALEZ MARTINEZ said that subparagraph (b) of the fourth paragraph was too detailed and referred to human rights which were rights of people in general, not just of women. The list of rights at the end of subparagraph (b) should be deleted, and the remaining three major components of the paragraph should be redrafted so that they merged.

7. The CHAIRPERSON agreed that the Committee should not suggest that the World Conference set priorities among women's rights since all rights under the Convention were equally important. The main issue was that women's rights were human rights and that the World Conference in its deliberations and documentation should not overlook the gender perspective.

8. Ms. OESER said that the Committee should not refer to the Universal Declaration of Human Rights in the fourth paragraph since the Universal Declaration was not legally binding and was not as specific as the Convention.

9. Ms. ILIC said that the phrase in question could be redrafted so that it read: "the rights guaranteed under the other international human rights instruments".

10. Ms. EVATT proposed that a new paragraph should be added referring to paragraph 1 (c) and (d) of General Assembly resolution 45/155.

11. Ms. GONZALEZ MARTINEZ and Ms. BERNARD proposed that the new paragraph should read:

> "Such a theme would emphasize that women's equality is a significant human rights issue and, to this end, attention should be given to the extent to which this issue has been addressed effectively by the implementation methods and mechanisms under human rights covenants and conventions."

12. The CHAIRPERSON suggested that section 4 of the report of Working Group I should be redrafted along the following lines:

"Suggestion 3

World Conference on Human Rights 1993

The Committee on the Elimination of Discrimination against Women requests that the question of the equal enjoyment of human rights and fundamental freedoms by women be fully reflected in the agenda of the Conference and, in particular, the close relationship between the rights guaranteed by the Convention on the Elimination of All Forms of Discrimination against Women and those guaranteed under the other international human rights instruments.

Such a theme would emphasize that women's equality is a significant human rights issue and, to this end, attention should be given to the extent to which this issue has been addressed effectively by the implementation methods and mechanisms under human rights covenants and conventions.

The Committee requests that the Secretary-General ensure that, as far as possible, documentation prepared for the World Conference on Human Rights according to General Assembly resolution 46/116, paragraph 4 (V) (a) includes a gender perspective.

The Committee suggests that the Secretary-General of the United Nations take steps to initiate the translation of the Manual on human rights reporting prepared by the United Nations Institute for Training and Research and the Centre for Human Rights into all official United Nations languages as soon as possible, and distribute it to all States parties to the Convention on the Elimination of All Forms of Discrimination against Women.

(The Chairperson)

The Committee suggests that the Secretary-General prepare a publication on the Convention on the Elimination of All Forms of Discrimination against Women and the work of the Committee like the fact sheets for other human rights instruments and bodies."

13. If she heard no objection, she would take it that the Committee wished to adopt the text of suggestion 3 just read out.

14. It was so decided.

15. The report of Working Group I, as amended, was adopted.

The meeting rose at 8 p.m.